

BOROUGH OF WATCHUNG

MAYOR AND COUNCIL

MINUTES

NOVEMBER 20, 2017

7:30 PM

OPENING STATEMENT: Mayor Stephen K. Pote called the meeting to order at 7:35 PM and made the following statement: Under the provisions of N.J.S.A.10:4-6 et seq., notice of the time and place of this meeting was given by way of annual notice to the Courier News, Echoes Sentinel, and Star Ledger, and posted at Borough Hall.

SALUTE TO THE FLAG and a MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD.

ROLL CALL:

Joren [P] Black [P] Nehls [P] Gibbs [P] Mobus [P] Sopko [P]

Also present were Administrator Tom Atkins, CFO Bill Hance, Attorney Albert Cruz, Engineer Tom Herits, Clerk Michelle DeRocco, and Deputy Clerk MaryAnn Hance.

There were 75 members of the public present

Prior to the special presentation Mayor Pote thanked all for coming this evening and he explained the Mayor and Council will go through the business on tonight's agenda and then begin the library discussion.

Mayor Pote requested the Mayor and Council suspend the standing committee reports this evening and asked if the public had any comments or questions about anything on tonight's agenda other than the Special Presentation.

SPECIAL PRESENTATION: Watchung Library

Mayor Pote then explained how the meeting will proceed and stated the following:

The purpose of tonight's meeting on the library is simply to educate and inform.

- *First, we wanted to ground all of us in some basic facts about the library, where we are and what has been done over time and to date.*
 - *Councilmen Rob Gibbs and Councilman Dave Mobus will provide an overview of where we are as it relates to the Watchung Library. This presentation is a foundation for both the Mayor and Council, as well as the public, so we are all speaking from the same page.*
- *Second, we have with us here tonight Anthony Iovino from Acari and Iovino Architects, who is responsible for several versions of the initial design floor plans you have in your packet and which he will go over. Mr. Iovino is also available to answer questions you might have.*
- *Third, we have two representatives from the Somerset County Library System, Keith McCoy, and Lauren Ryan, who, while not presenting any materials, are available to answer any questions you might have.*
- *Fourth, after both Councilman Gibbs and Mr. Iovino have finished presenting, we will then open the meeting up for questions:*
 - *First from the Mayor and Council; and*
 - *I will then ask that the Public please come forward and ask any questions they might have of the Mayor and Council relating to the presentation, or of Mr. Iovino, or the County Library representatives. As much as possible, I would like to separate questions you the public might have from your personal comments on the library. My goal here again is to educate, and so I want to quickly get through as many questions as you might have.*

- *I would ask that the Council please go through the chair if you would like to respond to the questions.*
- *After hearing questions from the audience, I would ask that you the audience then provide your comments. Even those who had questions earlier are invited to come up and speak again. And if you think of a question that you didn't think of until a time for comments, that is fine too.*
- *While not required, if the Council has any remarks they would like to make they may after they have heard from the public.*

We will not be taking action this evening; however, we are having this meeting so that the Council is better informed on the facts, and on what you are thinking. This is critical input into a decision that I believe has to be made in the very near future. With the NJ State referendum passing which approved the State to bond up to \$125 Million to be used towards the improvement or construction of libraries throughout the State, in a short time period the application to apply for matching funding will be released, and it is my understanding that it is on a first-come, first-serve basis.

We need to have a stake in the ground ahead of that. We need to be ready to go when that application is provided. This means that at some point the Council needs to approve bonding it feels is necessary to support the funding for the library it feels is appropriate for the Borough. Positive votes from four (4) of the Council will be required at that time.

A couple of ground rules for tonight:

- *I would ask that when it comes to asking questions, I would ask that, as much as possible, the questions please be brief. I promise you will have time to comment later. Please separate your questions from your comments.*
- *When it comes to your comments, I am imposing a three- minute rule. Please do not take offense to this; but when we have these large forums it is the only real way to get to everyone. You have come out here this evening, and you deserve to be heard. If everyone else has spoken and you still have a few points to make, you may return to the microphone.*
- *I would ask that you please not substantially repeat what others have said. This is not, however, in any way to discourage us from hearing your opinion. Please come up and provide it.*
- *I would ask that the audience please refrain from any outbursts. Even if you have an answer to a question, I would ask that you please come forward, when called, and at that time answer the question.*
- *Because it is sometimes hard to hear, I would ask that anyone with questions or comments please come up from the microphone to speak. Please do NOT shout out comments from your seats.*
- *I expect a polite and constructive decorum be used by everyone. I support you expressing your opinion, but let's please remain professional.*
- *When coming up, even a second time, please provide your name and address. Speak into the microphone, and face the Mayor and Council.*

With all that in mind, let's get started.

Councilman Gibbs:

Thank you Mr. Mayor. Good evening everyone. Watchung's library has been the subject of much debate and tonight I'm sure will promise to be no different. However, what I'd like to do is review some of the background and history of this issue and allow my fellow Council members and residents to explore the issue further.

With that, let's turn to the presentation made available earlier and which appears on the screen at the front of the room. Watchung's library was originally built by Harlan Pratt as his family's primary residence in 1946 with the building later converted to its current use as a library in the mid-1970's with an addition around that same time that currently houses the children's section.

The library consists of roughly 8,400 sq. ft. with about 4,000 of that as net usable space. 40% of the library consists of storage areas, restroom, and staff offices. The library layout is non-contiguous, meaning it is not an open floor plan. It is primarily made up of book areas, offices, restrooms, meeting space and storage in solitary and unusually located areas. The library is NOT ADA-compliant. It lacks modern fire suppression/alarm systems, lacks efficient heating/cooling systems, and has antiquated electrical and plumbing systems. The library continues to deteriorate despite the Borough's periodic maintenance programs.

It's been 15 years since the Borough started discussing the future of Watchung's library. Concerns about the library's continued use as a public library caused the Borough to hire SSP Architectural Group in 2002 to evaluate its condition. In 2006, resident workshops were held and the Library Study Committee was formed to provide the Mayor & Council with recommendations on how to proceed on the library issue. In 2007, upon the advice of the LSC, the Borough hired the Foreman Group to prepare preliminary designs for a renovated library. Those designs were presented in 2012 and would have resulted in a 17,000 sq. ft., \$4.2M library/community center. In November 2012, Watchung's residents rejected the proposed design with 54% of residents who voted saying no.

In July 2013, after continued expression of interest from residents to do something about the library, the majority of the Council passed a resolution appropriating up to \$1.5M toward renovating the library or reconstructing same if renovating was not an appropriate option. In December 2014, Lortech submitted its structural report indicating various structural upgrades that would be necessary if the building were to continue as a public library building. It should be noted that any renovation of the library building would trigger the borough's obligation to bring the library up to code as well as ADA compliance.

Watchung's library ranks extremely high among the Somerset County Library System's branches that are used often by our residents. Over 49,000 items were borrow in 2016. We have the highest circulation per square foot of any SCLS branch. Collectively, we held 412 Programs, attended by over 6,100 people along with hosting 393 meetings. Watchung's library is the second smallest of all SCLS branches behind Peapack-Gladstone.

In terms of alternatives, there are 3 worth mentioning:

- 1. Reconstruct the library to between 8,000 to 9,500 square feet with community/meeting space depending on the design layout.*
- 2. Close the existing library building and utilize other SCLS branch locations:*
 - Watchung residents would still be required to pay ~\$800K library tax*
 - Other branch locations may not be able to accommodate Watchung residents in popular programs, etc. due to space or other limitations*
- 3. Exit SCLS altogether - under N.J.S.A. 40:33-13b:*
 - Watchung must approve the withdrawal by public referendum by majority of the voters*
 - Watchung must remain a member of the SCLS for 2 years (and pay the library tax)*
 - Watchung must provide a free public library (and all materials, equipment) to replace it*

There are many benefits to consider in determining the future of Watchung's library system. I will not go through them here and not all of them are listed in the handout you have. There are also costs associated with some of the options discussed here this evening. It would be unwise to discuss "construction costs" of any possible design because the Mayor and Council are still considering the appropriate pathway here and no decision or vote has been taken on, nor will be taken tonight, on which way to go. That will be after further discussion and considering the input we receive this evening.

However, it is possible to give our residents an estimate of what possible property tax implications might be, subject to a host of variables and factors that may mitigate or aggravate any final cost estimate. Based on some reasonable assumptions that are listed in your handout, and using our recent history with interest rates available to the Borough, the property tax impact to an average assessed household in Watchung would be \$29.25 per year per \$1,000,000 borrowed. There is a simple chart outlining what possible tax impacts might be based on some scenarios that might present themselves. Please remember these are projections using simple cost estimates and not based on any final decision.

As many of you know, the state recently approved via voter referendum the sale of \$125M worth of bonds to fund grants to municipalities seeking to build or renovate public libraries. This is the first such grant program in over 17 years and may not come any time soon again. Up to 50% capital costs may be covered and we expect fierce competition from other communities who we know are looking to build or renovate their own library facilities. We should assume communi-

ties with appropriate approvals and designs in hand will be first in line to receive grant monies and receive priority consideration.

Mayor Pote:

Again, I would like to welcome back to Watchung our Architect, Anthony Iovino, who said he would briefly go through the various plans.

Mr. Iovino gave a brief description of his and the company background. He said the company has worked in the public library realm for 22 years and they did work for Warren and assisted them in preparing grants for the project. He then explained the two proposed designs and their differences. He said these plans are not set in stone and can be modified however the Mayor and Council would like, limited only by the space and cost.

Councilman Black asked Bill Hance what the Borough's actual library tax is and Mr. Hance said for 2017 it is \$827,480.

Councilman Mobus asked if Mr. Iovino would assist the Borough with the grant application once it is available and Mr. Iovino said he would he also said there is a potential for HUD grants for ADA compliance.

Mayor Pote asked Mr. Iovino how many people would the meeting space accomodate as shown and Mr. Iovino said 50-55 people.

Councilman Gibbs asked if there is flexibility in the space if the need for books become less. Mr. Iovino said there are many options, including having moveable shelving.

With no one else from the Council wishing to be heard, Mayor Pote then opened the meeting to the public.

Amy Fiorilla, Washington Drive, asked if the meeting space could be bigger and have access outside of library hours. Mr. Iovino said all options can be looked at.

Virginia Hartmann, Ellisen Road, asked if it would be possible to have a moving wall to make the meeting room larger when needed. Mr. Iovino said it is possible with using movable furniture for shelving, etc.

Dorothy Addario, Rock Avenue, said at one point during the years of research it was calculated that Watchung needed about 12,000 sq. ft.

Stephen Patriarco, Knollwood Drive, asked what the impact would be regarding parking in the area and also if the Borough were to withdraw from the County System would that affect the decision by the state whether we would get grant money?

Councilman Gibbs explained that even if we closed the building and withdrew from the County System the Borough must still offer residents a free library with all costs being the Borough's responsibility.

Mike Schachter, Stonegate Drive, asked if the location is set in stone. Mayor Pote said other locations have been looked at with considerations regarding the circle and parking. Mr. Schachter asked would the status for the Watchung Arts Center is and Mayor Pote said it is owned by the Borough and would remain in tact.

Councilman Gibbs said all options are being looked at and some of the previous sites were the Ness property which cannot be used since it is Green Acres, and a property on Brookdale/Mountain Boulevard (Council President Joren said that site has wetlands).

Tim Reick, Stanie Brae, asked what is the likelihood that Watchung would receive any of the State Grant funds? Mr. Iovino said this will be on a first come first serve basis and not based on any other criteria and there will be a "window" for submitting the grant once the applications are available. Mr. Reick asked if the residents would be voting on this issue again? Council President Joren said this has not been discussed yet but she would not be in favor of this. Councilman Nehls said at the 2012 election there was a very large number against the library and he would like resident to have a choice even though it is a Non-binding referendum and the Mayor and Council have the final say.

Mayor Pote said he welcomes public input on all issues. However, our Government is established as a Republic where officials that govern are elected by the voters and elected officials have the responsibility to assess all facts and perspectives and then make the most informed and appropriate decisions on behalf of the people they represent.

The Mayor further stated that referendums, particularly non-binding ones, have very limited affect in these types of circumstances.

Council President Joren questioned Keith McCoy, Deputy Director of the County Library System, on costs to run a library independently if the Borough was to opt out of the County System. Mr. McCoy said costs would include all staff salaries and benefits, materials, utilities, computers, building maintenance, etc. and would still by law have to pay a 1/3rd of mil on equalized rate tax, it would be a 15th of mil if in County. Mayor Pote reiterated the Borough would still have to pay the County for 2 years if the Borough chose to opt out of the system.

Councilman Black asked Mr. Hance what our library cost is now for utilities and maintenance and Mr. Hance said it is \$36,000 at this time.

Diana Churchill, High Tor Drive, asked Mr. McCoy what the reimbursement formula is for towns and Mr. McCoy said \$200,000 is divided among 9 libraries.

Wendy Ruta, Orchard Road, said the trends at colleges is for group work and asked if the design has space for this. Mr. Iovino said the larger of the two designs does have those spaces.

Maria Alberto, Acorn Road, asked if the Borough has looked at shared services with other libraries.

Councilman Gibbs said there are drawbacks for using the Warren Library due to space constraints. The Borough Library had 4,389 kids utilizing the programs and 1000+ adults in 2016.

Martin Carroll, Valley Road, asked if anyone had approached the Warren Library about this and also what the effect on property tax would be.

Council President Joren said Warren would not have a choice since they are in the County system and so is Watchung.

Councilman Nehls said in 2014 he spoke to Warren they assured him that their doors would be open and they would accommodate Watchung residents.

Tom Sicola, Stirling Road, asked where is it in the law that Watchung must offer a free library and Councilman Gibbs said it is in a 2013 amendment to the State Statutes.

Joel Cohen, Hill Hollow Road, asked for further breakdown of the number of people utilizing the library.

Phyllis Juette, Elsinore Drive, asked Mr. Iovino if solar panels were looked at for the library and he said it was too soon in the planning for that but it can be looked at.

Tim Logan, Stirling Road, said the needs and services have changed and all schools have a library.

Council President Joren said the Watchung Library has the 2nd highest circulation rate in the County. She also mentioned the Borough did look at the Valley Furniture site but that is in a flood plain and cannot be altered- the DEP will not allow anything to be done.

Bill Candiloros, Nottingham Drive, asked if there could be a breakdown of the number of DVD's and other materials that are borrowed.

Jennifer Pote, Wildwood Terrace, said as a school teacher and former student she prefers a group setting to do work. It is much more productive and buying books is very expensive.

Councilman Sopko asked if Watchung could have their own programs if we were to use the Warren Library. Mr. McCoy said due to possible space or time constraints that may not be a possibility.

Andrew Brunskill, Hughes Lane, said it is very frustrating that this has gone on so long without a decision. He said initially this was to be a library and community center now it is just a library. He said he implores the Mayor and Council to support the library.

Ashley Cohen, Hill Hollow Road, stated any grant money Watchung might receive would only take away from other towns who need it more.

Don Pote, Sherwood Drive, said the Borough has never had an opportunity like this before and interest on Bonds is low. He said the Borough needs to take advantage of this.

Debra Downs, High Tor Drive, said it would be better for the Borough to stay in the County system and a library that will maintain property values.

Hans Juetter, Elsinore Drive, said the property values in Watchung have decreased even with a library and sale prices in neighboring communities are higher.

Martin Carroll, Valley Road, said the Council should do what is right for the Community as a whole.

Councilman Gibbs stressed that the Mayor and Council have the best interests of the residents and are always fiscally responsible.

Diana Churchill, High Tor Drive, asked what the Council's vision for the Borough is. There are no meeting spaces in town.

Victor Garber, Scott Drive, said he wants to continue to have pride in our Municipality.

Mike Schachter, Stonegate Drive, said there are many pros and cons to this but said the Borough should take advantage of this grant. He said he is a realtor and when he has an open house he puts out literature about the Borough. People don't ask for it they expect it. It is an important service to residents.

Dorothy Addario, Rock Avenue, said it is the Council's responsibility for decisions to decide what is best for the Community and to watch the bottom line.

Tom Franklin, Wildwood Terrace, said since the school bond is gone the taxes for Watchung have gone down and the impact for a new library is minimal. The \$125 million referendum bond issue passed in Watchung on November 7th.

Christine Ricciardi, High Tor Drive, is in favor of a new library. Programs in other towns are difficult to get into. She said her children look forward to going to the library.

Tom Sicola, Stirling Road, said although the Mayor and Council have run unopposed they are all volunteers, and he thanked them for their time and service to the community. He said many of his personal friends are against a library and he respects and values their opinions, but he thinks this is now becoming more of an emotional issue. This should now be put to rest –we need to make a decision and come up with a resolution. Our library is not ADA compliant and is unsafe. He asked if we are looking at a line on the tax bill or as an investment in our town? He said it should be looked at as an investment for our town.

Pete Martino, Sunbright Road, said this is the worst building site possible and asked if this is the best location. He asked if there have been engineering plans for this.

John Aylward, Hughes Lane, said he has been searching for the "center of town" since he has been a resident-still has not found it. He is a volunteer at the Watchung Arts Center.

Margaret Ellis, Valley Road, thanked the Council and said they will go down in the history of the Borough with their decision.

Dorothy Addario, Rock Avenue, said a new library would be a great place to install the Mural that the Borough was able to save from the Sears store. She asked if there was any idea when the grant applications would be available.

Mr. Atkins said the Borough consultant spoke to the State Librarian who said the rules and regulations are not promulgated yet.

Maria Alberto, Acorn Road, said the Borough needs to think twice before making a decision on this.

Margaret Ellis, Valley Road, asked what the next step would be and when can residents expect a decision.

Mayor Pote said it is his hope a decision will be made in the next month.

With no other residents wishing to speak, Mayor Pote thanked Mr. Iovino, Mr. McCoy and Ms. Ryan; and Councilmen Gibbs and Mobus for their participation at this meeting..

REPORT OF STANDING COMMITTEES

No reports were submitted

1. Administration/Finance

2. Police
3. Public Works/Buildings and Grounds
4. Public Affairs
 - Open Space
 - Environmental
 - Recreation
 - Historical
 - Board of Health
5. Fire
6. Laws/Ordinances

REPORTS - OTHER:

7. Engineer
8. Police Chief
9. Fire Department
10. Rescue Squad
11. Emergency Management
12. Attorney
13. Clerk
14. Administrator

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PUBLIC PORTION / AGENDA ITEMS ONLY

No one desired to be heard.

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UNFINISHED BUSINESS

None

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NEW BUSINESS

CONSENT AGENDA: The Consent Agenda items listed below were unanimously adopted following a motion by Council President Joren and a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, “aye.”

Approval of the following Council minutes:

October 19, 2017; November 2, 2017 – Executive Sessions
 November 2, 2017 - Regular Session – (Pulled for further review)

Acknowledging Receipt of the following Borough Reports:

Library Advisory Board Minutes - September 13, 2017
 Building Department Report - October, 2017
 Police Activity Report - October, 2017

Acknowledging Receipt of the following Correspondence:

- #58- James Boyd 10/18/17 Letter of Resignation from the Planning Board c: M & C, TEA
- #59- Borough of North Plainfield 11/3/17 Notice of Public Hearing on November 20th, 2017 to consider adoption of a Revised Master Plan for the Housing Element and Fair Share Plan, and an amendment to the Zoning Ordinance to add an Overlay Zone to address the Borough's Affordable Housing Obligation c: M & C, TEA, Pl. Bd.
- #60- Warren Township 11/9/17 Notice of Public Hearing on November 27, 2017 to hear Application of Sub-division for 10 Single Family Lots adjacent to Old Church Road c: M & C, TEA, Pl. Bd.
- #61- Township of Berkeley Heights 11/14/17 Notice of Adoption of Land Use Ordinance #31-2017, Amending Affordable Housing Fees c: M & C, TEA, Pl. Board
- #62- Warren Township 11/17/17 Notice of Public Hearing on December 14, 2017 on Ordinance No. 17-25, to Adopt a Redevelopment Plan for an Area In Need Of Redevelopment - Mt. Horeb and Mt. Bethel Roads c: M & C, TEA, Pl. Board

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CONSENT AGENDA RESOLUTIONS: The Consent Agenda Resolutions listed below were unanimously adopted following a motion by Council President Joren and a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, "aye."

- R1:11/20/17 Purchases Over \$2,000. - Beyer Fleet (PD- Police Vehicle)
NITV Federal Services (PD – Fingerprint Equip.,
Training Software)
- R2: Authorize Return of Duplicate Tax Payments - 455 Johnston Drive, 384 Valley Road
- R3: Authorize Stipulation of Settlement - Tax Appeal / 35 Jared Court
- R4: Resolution to Revise and Update Police Department Off Duty Fees
- R5: Authorize Final Payment - Top Line / Washington Drive
- R6: Authorize Submission of Strategic Plan - Watchung Hills Regional Municipal Alliance
Grant 2018 / 2019
- R7: Authorize CFO to Cancel 2016 Outstanding Checks
- R8: Authorize CFO to Refund Raffle License Overpayment - Sisters of Mercy
- R9: Authorize CFO to Refund Construction Permit Payment Error - Air Group LLC
- R10: Appointment to Volunteer Fire Department - William Hernandez
- R11: Authorize Steps and Procedure for Hazardous Tree Removal - 99 East Drive

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NON-CONSENT AGENDA ITEMS: Items listed below will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion.

Council President Joren moved the following resolution with a second by Councilman Nehls and upon roll call the vote was as follows: Joren, Black, Nehls, Gibbs, Mobus, Sopko, "aye."

- R12:12/20/17 Payment of Bills

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PUBLIC PORTION

No one from the public desired to be heard.

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R13:11/20/17 Executive Session:
Litigation – In the Matter of the Borough of Watchung for Compliance
Docket No. SOM-L-902-15

No Executive Session was held

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ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 10:15 PM to the Call of the Chair. The next scheduled meeting of the Mayor and Council to be held Thursday, December 7, 2017 at 7:30 P.M.

Respectfully submitted,

MaryAnn Hance
Deputy Clerk